IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

Crl.MC.No. 2546 of 2007()

L.P.NO.70/03 OF THE JFCM COURT, KUNNAMKULAM.
CRIME NO.218/95 OF KUNNAMKULAM POLICE STATION

PETITIONER: ACCUSED:

N.A. RAJAN, S/O. APPUTTY,
NELLIKKAL HOUSE, P.O. CHALISSERY, PALAKKAD.

BY ADV. SRI.RAJIT
SRI.RANJIT BABU

RESPONDENTS: STATE:

STATE OF KERALA,
REP.BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY P.P. SRI. GIKKU JACOB.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 09/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

Crl.M.C. No. 2546 OF 2007

Dated this the 9th day of August, 2007

ORDER

The petitioner faces indictment in a prosecution under the provisions of the Copy Rights Act. Cognizance was taken as early as in 1996. Consequent to the failure of the petitioner to appear before the learned Magistrate, the case has been transferred to the list of Long Pending Cases. Coercive processes have been initiated against the petitioner by the learned Magistrate. The petitioners finds a warrant of arrest issued by the learned Magistrate chasing him.

2. According to the petitioner, he is absolutely innocent. His failure/omission to appear before the learned Magistrate was not wilful; but was due to reasons beyond his control. The petitioner is now willing to surrender before the learned Magistrate and co-operate with the court for the expeditious disposal of the proceedings against him. The petitioner

apprehends that his application for regular bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. It is, in these circumstances, that the petitioner has come to this Court for a direction to the learned Magistrate to release him on bail when he appears before the learned Magistrate.

3. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider the petitioner's application for regular bail on merits in accordance with law and expeditiously. No special or specific directions appear to be necessary. Every court must do the same. Sufficient general directions on this aspect have already been issued in the decision reported in **Alice George v. Deputy Superintendent of Police** (2003 (1) KLT 339).

4. In the result, this Crl.M.C. is dismissed; but with the observation that if the petitioner surrenders before the learned Magistrate and seeks bail, after giving sufficient prior notice to

the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously – on the date of surrender itself.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge